

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Rafael Rodriguez

v.

Michelle Goings, Warden,  
Northern New Hampshire  
Correctional Facility et al.

Civil No. 15-cv-00294-PB

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated October 26, 2016, and dismiss this case without prejudice, for failure to prosecute. The pending summary judgment motion (doc. no. 19), is denied as moot. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to

magistrate's report will waive the right to appeal).

SO ORDERED.

/s/ Paul Barbadoro  
Paul Barbadoro  
United States District Judge

Date: November 25, 2016

cc: Rafael Rodriguez, pro se  
Elizabeth Mulholland, Esq.  
Francis Charles Fredericks, Esq.